
MINUTES

March 14, 2016
Regular Public Meeting

Board of Commissioners

Township of Whitehall

A. CALL TO ORDER

- 1) The regular Public Meeting of the Whitehall Township Board of Commissioners was called to order at 7:00 p.m. on Monday March 14, 2016, in the Public Meeting Room of the Whitehall Township Municipal Building, 3219 MacArthur Road, Whitehall, PA, with the following in attendance:

COMMISSIONERS

Phillips M. Armstrong, President - absent
Dennis C. Hower, Vice President
Thomas Slonaker, Secretary
Jeffrey L. Dutt
Philip J. Ginder
Gerard F. Palagonia - absent
Linda K. Snyder

TOWNSHIP PERSONNEL

Edward D. Hozza, Jr., Mayor
John D. Meyers, Deputy Mayor
Charles Fonzone, Attorney
Frank Clark, Keystone Engineering
Diane Hunsicker, Treasurer
Linda Kulp, Police Chief
Patricia Sweeney, Executive Secretary

The meeting was formally opened with the Pledge of Allegiance to the Flag and a moment of silence for our troops.

2) APPROVAL OF MINUTES

- a) Commissioner DUTT moved, seconded by Commissioner GINDER to approve the minutes of the following meeting:

Regular Public Meeting – February 8, 2016

Five Commissioners were present and voted “yes”. Motion carried

B. COURTESY OF THE FLOOR

Mario SPAGNOLETTI, 351 Sumner Avenue, Whitehall, asked about the dumpster for branches at the Cameron Tract. Mayor HOZZA stated Waste Management takes the dumpster to First Regional in Weaversville where it is put into their tub grinder and mulched, is easier for Waste Management to transport the container and if we need mulch they will give it to us.

Mr. SPAGNOLETTI stated he goes to the Parkway to feed the birds, the vandalism is terrible there between the litter and breaking of signs and asked if a cruiser car can go thru there more often. Mayor Hozza also noted the art work under the MacArthur Road Bridge. Mr. SPAGNOLETTI stated there is a lot to clean up when we have the Lehigh County clean-up day, is disgusting for volunteers to do the work and then see it destroyed.

C. **PULBIC HEARING AND VOTING ON ORDINANCES**

1. **BILL NO. 4-2016**

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR THE PURCHASE OF (2) 2016 FORD SUV INTERCEPTOR VEHICLES FOR THE POLICE PATROL DIVISION, IN ACCORDANCE WITH SECTION 3.20 IN THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE. (POLICE)

Commissioner HOWER read Bill No. 4-2016 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner SNYDER. There were no questions or comments.

Five Commissioners were present and voted “yes”. Bill No. 4-2016 was approved.

2. **BILL NO. 5-2016**

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR THE PERFORMANCE OF MICRO-SURFACING FOR THE PUBLIC WORKS BUREAU OF THE TOWNSHIP OF WHITEHALL, BID 16-04 IN ACCORDANCE WITH SECTION 3.20 OF THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE (PUBLIC WORKS)

Commissioner HOWER read Bill No. 5-2016 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner DUTT.

Bruce TRANSUE, 122 American Street, Whitehall, asked what micro-surfacing is.

Mayor HOZZA stated the subdivision of Oakwood Fields received micro-surfacing last year, is a layer of asphalt emulsion that goes over the road surface to extend its life and the list of streets to have micro-surfacing are on the Township website.

Five Commissioners were present and voted “yes”. Bill No. 5-2016 was approved.

3. **BILL NO. 6-2016**

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR THE PERFORMANCE OF STREET RESURFACING USING FULL DEPTH RECLAMATION FOR THE PUBLIC WORKS BUREAU OF THE TOWNSHIP OF WHITEHALL IN ACCORDANCE WITH SECTION 3.20 OF THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE (PUBLIC WORKS)

Commissioner HOWER read Bill No. 6-2016 to the Board.

Commissioner SNYDER moved to approve, seconded by Commissioner GINDER.

Mayor HOZZA explained full depth reclamation is the process where the top coat of asphalt is removed by a milling machine, then a secondary machinery takes 6-12 inches of the

subsurface of the street, adds concrete to it, mixes it up, puts it back down as a subsurface, it sets for 1-2 days, then a binder is placed on top and a finish coat at the end, was done on several main roads in the Township and none have heaved with the freeze-thaw in the winter.

Five Commissioners were present and voted “yes”. Bill No. 6-2016 was approved.

4. BILL NO. 7-2016

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR PROVIDING OPERATIONAL AND MAINTENANCE SERVICES FOR STREET LIGHTS FOR WHITEHALL TOWNSHIP, BID NO. 16-03, IN ACCORDANCE WITH SECTION 3.20 IN THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE. (PUBLIC WORKS)

Commissioner HOWER read Bill No. 7-2016 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner DUTT. There were no questions or comments.

Five Commissioners were present and voted “yes”. Bill No. 7-2016 was approved.

5. BILL NO. 8-2016

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR THE PERFORMANCE OF STREET RESURFACING FOR THE PUBLIC WORKS BUREAU OF THE TOWNSHIP OF WHITEHALL IN ACCORDANCE WITH SECTION 3.20 OF THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE (PUBLIC WORKS)

Commissioner HOWER read Bill No. 8-2016 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner SNYDER. There were no questions or comments.

Five Commissioners were present and voted “yes”. Bill No. 8-2016 was approved.

6. BILL NO. 9-2016

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF PROPOSALS FOR CONSTRUCTION INSPECTION SERVICES PER REQUEST FOR PROPOSALS 16-01, IN ACCORDANCE WITH SECTION 3.20 IN THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE. (ADMIN)

Commissioner HOWER read Bill No. 9-2016 to the Board.

Commissioner DUTT moved to approve, seconded by Commissioner GINDER. There were no questions or comments.

Five Commissioners were present and voted “yes”. Bill No. 9-2016 was approved.

7. BILL NO. 10-2016

TITLE: AN ORDINANCE AMENDING THE CIVIL SERVICE RULES AND REGULATIONS OF THE TOWNSHIP OF WHITEHALL, COUNTY OF LEHIGH, COMMONWEALTH OF PENNSYLVANIA, SETTING FORTH STANDARDS AND PROCEDURES OF THE OPERATION OF THE CIVIL SERVICE COMMISSION, PURSUANT TO THE FIRST CLASS TOWNSHIP CODE, DEFINING TERMS, ESTABLISHING THE DUTIES AND POWERS OF THE COMMISSION GOVERNING APPLICATIONS FOR EMPLOYMENT AND PROMOTION WITHIN THE BUREAU OF POLICE, DETERMINING EXAMINATION PROTOCOLS AND CREATION OF ELIGIBILITY LISTS, SETTING FORTH STANDARDS FOR PHYSICAL, PSYCHOLOGICAL AND VOICE STRESS ANALYZER EXAMINATIONS, AND ESTABLISHING RULES GOVERNING SUSPENSIONS, REMOVALS, REDUCTIONS IN RANK, HEARINGS AND RECORD MAINTENANCE. (CSC/ADMIN)

Commissioner HOWER read Bill No. 10-2016 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner DUTT. There were no questions or comments.

Five Commissioners were present and voted “yes”. Bill No. 10-2016 was approved.

8. BILL NO. 11-2016

TITLE: AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR PURCHASING ROAD BUILDING MATERIALS FOR THE PUBLIC WORKS BUREAU OF THE TOWNSHIP OF WHITEHALL IN ACCORDANCE WITH SECTION 3.20 OF THE HOME RULE CHARTER WHICH REQUIRES AUTHORIZATION OF ACQUISITIONS IN EXCESS OF \$25,000 BY ORDINANCE (PUBLIC WORKS)

Commissioner HOWER read Bill No. 11-2016 to the Board.

Commissioner SNYDER moved to approve, seconded by Commissioner GINDER. There were no questions or comments.

Five Commissioners were present and voted “yes”. Bill No. 11-2016 was approved.

D. PULBIC HEARING AND VOTING ON RESOLUTIONS

1. RESOLUTION NO. 2927

TITLE: A RESOLUTION OF THE BOARD OF COMMISSIONERS, TOWNSHIP OF WHITEHALL, LEHIGH COUNTY, PENNSYLVANIA, ESTABLISHING CAMP WHITEHALL RATES FOR THE YEAR 2016. (BOC)

Commissioner HOWER read Resolution No. 2927 to the Board.

Commissioner DUTT moved to approve, seconded by Commissioner SLONAKER.

When questioned, it was noted the rates are the same as last year.

Five Commissioners were present and voted “yes”. Resolution No. 2927 was approved.

2. RESOLUTION NO. 2928

TITLE: A RESOLUTION OF THE BOARD OF COMMISSIONERS, TOWNSHIP OF WHITEHALL, LEHIGH COUNTY, PENNSYLVANIA, ESTABLISHING POOL PASS RATES FOR THE YEAR 2016. (BOC)

Commissioner HOWER read Resolution No. 2928 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner DUTT.

When questioned, it was noted there was a \$5.00 increase in the resident pool pass and a \$1.00 increase to the resident daily rate.

Five Commissioners were present and voted “yes”. Resolution No. 2928 was approved.

3. RESOLUTION NO. 2929

TITLE: A RESOLUTION APPROVING THE REFUND OF PENSION CONTRIBUTIONS, PLUS ACCUMULATED INTEREST FROM THE POLICE PENSION FUND TO FORMER POLICE OFFICER COLBY J. KURONYA. (ADMIN)

Commissioner HOWER read Resolution No. 2929 to the Board.

Commissioner SLONAKER moved to approve, seconded by Commissioner SNYDER. There were no questions or comments.

Five Commissioners were present and voted “yes”. Resolution No. 2929 was approved.

4. RESOLUTION NO. 2930

TITLE: A RESOLUTION AUTHORIZING THE DISPOSAL OF SPECIFIC TOWNSHIP RECORDS IN ACCORDANCE WITH THE TOWNSHIP’S RECORD RETENTION AND DISPOSAL SCHEDULE. (ADMINISTRATION)

Commissioner HOWER read Resolution No. 2930 to the Board.

Commissioner GINDER moved to approve, seconded by Commissioner DUTT. There were no questions or comments.

Five Commissioners were present and voted “yes”. Resolution No. 2930 was approved.

E. OTHER

1. Commissioner SLONAKER moved, seconded by Commissioner DUTT to approve the reappointment of Phyllis STOUDT to serve on the Tax Appeals Board, term to expire December 31, 2018.

Five Commissioners were present and voted “yes. Motion was approved.

2. Commissioner DUTT moved, seconded by Commissioner GINDER to approve the ratification of the new collective bargaining agreement between the Township and Teamsters Local 773 for the term beginning January 1, 2016 and expiring December 31, 2019.

Five Commissioners were present with four voting “yes” and Commissioner HOWER abstained. Motion was approved.

3. Commissioner GINDER moved, seconded by Commissioner SLONAKER to approve the appointment of Attorney Jack GROSS to serve as the Solicitor for the Whitehall Township Ethics Board.

Five Commissioners were present and voted “yes. Motion was approved.

4. Commissioner GINDER moved, seconded by Commissioner DUTT to authorize and approve the settlement of the Real Estate Tax Assessment Appeal of MacArthur Towne Shopping Center.

Deputy Mayor MEYERS noted the change was from ~ \$13.9M to \$13.1M.

Five Commissioners were present and voted “yes. Motion was approved.

5. A motion to approve the appointment of Attorney Ben Dunlap, Jr. to represent the interests of Whitehall Township as special counsel in matters relating to the Township’s complaint before the PUC.

This motion was PULLED.

F. REPORTS OF PUBLIC OFFICIALS

1. Commissioner DUTT stated on March 24th at 7:00 pm here in our meeting room, he along with the Area Agency on Aging, a couple of representatives from the State, will meet about looking into opening a Senior Center in Whitehall Township, knows this has been addressed in the past, wants to see what was done in the past and what we can do for the future for this idea, is one of the things he heard a lot about on the campaign trail and if anyone is interested would appreciate their attendance.

Commissioner DUTT stated he attended the Recreation Commission meeting of February 22nd where the Commission discussed the Recreation Board since there hasn’t been a quorum at meetings for some time. The decision was made to lay the Recreation Board dormant until such time a meeting is needed.

Commissioner DUTT stated the Veteran’s Memorial Committee has started fundraising, \$5.00 coupons were sold for Kornfeinds Market giving a 20% discount and went really well. Currently selling engraved bricks for \$60 towards the construction, are doing well with the fundraising and will continue until the necessary money is raised. Forms are available from him, members of the committee and in the foyer and lobbies of the Municipal Building.

2. Commissioner SLONAKER asked about the decision of the Recreation Commission to have the Park and Recreation Board lay dormant. It was noted the Board of Commissioners has not acted on it and Commissioner SNYDER stated the Board had to take action to enact that Board originally. Mayor HOZZA stated the intent is not to eliminate it, to leave in on the books, and when they have commitments from the Park Boards and Athletics Associations to

send someone every month to have a quorum, then will start back up again because at this point they don't have the participation and it was noted they have not had a quorum for several months. Mayor HOZZA stated several Athletic Associations have gone thru organizational changes, then need to get them to follow the policy and procedures with Park and Recreation, and if it is an amicable transfer of power it goes well but if not, then no information is shared. The other issue is those that come only discuss baseball and softball while we have so many other program offerings, they are supposed to be representing everything that is offered at their Athletic Associations along with what is offered in the Township. Attorney FONZONE asked how not having meetings rectifies it. Mayor HOZZA stated the Recreation Commission will now discuss overall Township recreation programs. Commissioner SNYDER stated that is not their decision to make alone, the Board needs to take some type of action and understands you cannot force them to show up. Commissioner DUTT stated if people don't show up and don't have a quorum for a long time, why have a Board. Commissioner SNYDER stated this is all in our Recreation Plan, step-by-step, so you have to make some type of change if you are going to do this. Attorney FONZONE stated the need to look at the Home Rule Charter. Mayor HOZZA stated many years ago there was a heated discussion when the Recreation Commission was formed on why the need for both, and now with changes in the demographic of people willing to volunteer is coming to a head. Attorney FONZONE stated the remedy is for the Commissioners to meet and determine what they want to do. Commissioner SNYDER stated he needs to research it for them because it is all in writing and will need to take steps legally. Mayor HOZZA stated when you look at the Recreation Commission you see a more equal representation of everything offered in Parks and Recreation throughout the whole Township. You have the Historical Society, the Garden and Beautification Club, the Disabled Community, the IRT and one representative from the Park Associations. The Park and Rec Board has become a baseball committee and that wasn't its intent. Attorney FONZONE stated a couple of years ago there was a contention, need to step back and look at the Home Rule Charter. Commissioner SNYDER stated the need for it to be researched and then they can take the necessary steps. Commissioner HOWER stated logically how can you say to suspend meetings until there is enough interest to have another meeting, either you keep coming until you have a quorum or we look for new board members.

Joe WILFINGER, 293 Fifth Street, Whitehall, stated all committees are short, the Environmental Committee is down to 3 active people. The Historical Society does not have a president, he as vice president is filling in, can't get anyone to step up, have been distributing forms thru the Chamber but they don't seem to be going out to the public. Mr. WILFINGER stated when he applied for a moving permit into the Township it was in the packet he received, has been volunteering since he moved here and the only way to get people is to actively go after them because a lot of people dropped out when we had the economic downturn and didn't come back and is willing to reach out to school students because it will be there Township in the future. Mayor HOZZA noted not all boards sit behind a table and discuss, there are working boards that get their hands dirty and it comes down to people not wanting to do physical labor. Mr. WILFINGER stated the need to get young people. Commissioner DUTT stated he would be willing to go with him to the high school to do a presentation for volunteers. Mr. WILFINGER stated he has tried to get into the high school but wasn't successful. Mayor HOZZA stated the key may be Commissioner ARMSTRONG and his connection with the district and the students who came out to help in the Parkway with the honeysuckle eradication project. Mr. WILFINGER stated the Ontelaunee Historical Society is made up almost entirely of school teachers, the principal is the president, and others have the schools on board. He noted people in the Township don't know where the Chamber office or the Township Building are.

Mario SPAGNOLETTI, 351 Sumner Avenue, Whitehall, stated the EAC has a meeting with 3 people, have a lot of things they want to do and asked if they have the right to spend money if they don't have

a quorum. Mr. SPAGNOLETTI stated there are lots of people on the IRT but with 26,000 people in the Township, they can't get people to serve. Attorney FONZONE asked the number they officially have. After discussion, it was noted the board should have 9 members but there are currently five members. Attorney FONZONE stated the Home Rule Charter states the majority of the current membership of the Board constitutes a quorum, so if there are five, need three for a quorum.

3. Commissioner GINDER asked if all of the financial reports from the playgrounds are up-to-date along with a list of the officers. Mayor HOZZA stated there are a few outstanding reports, have lists of the current officers and alternates but right now are the rosters of youth participating in baseball and softball, have only received two so far. Commissioner GINDER noted it was changed years ago that an officer had to be present at those meetings and if they couldn't attend an alternate could be appointed. His concern is the public tax dollars they are giving to these playgrounds, was given as a carrot to attend the meetings, and knows it is tough to get volunteers. Mayor HOZZA stated the numbers for baseball for two of the parks are high, surprised one even has a program this year, are telling us they will have five teams while others who had high expectations are cycling out since we have cycles throughout the whole Township because of the when homes were built and subdivisions came on line. He noted that carrot is already used for the financials and proof of insurance, if they don't turn them over every year, matching funds are withheld. Commissioner GINDER questioned if we already had a president of an Athletic Organization that didn't live in the Township, with an affirmative response. Mayor HOZZA stated that comes down to the Charter or the Articles of Incorporation of that particular Athletic Association.
4. Commissioner HOWER stated he received an email from Commissioner ARMSTRONG about having representatives of the NBMA and the Whitehall Township Authority, both of which he visited, they will be at the public meeting in April to discuss water because of all the issues going on and to set our residents at ease.
5. Mayor HOZZA stated spring street sweeping has begun, the list was in the last newsletter, is also posted daily on the Township website and on Facebook. The process takes 6-8 weeks, asked for cooperation of residents to move their vehicles when streets are posted. Also, the reconstruction, micro-surfacing street and alley program is on the website under Public Works. Mayor HOZZA noted clean-up days are every Saturday in April because there is so much to be done. Public Works already did the 6th Street extension and will be doing Overlook Road, two of our dumping fields, are looking to upgrade all of our No Littering signs to reflect the fine which per the State is \$1,000 and will be putting them at those locations with the greatest amount of littering going on. He noted volunteers that are part of Adopt a Highway thru PennDOT will be doing MacArthur Road, the group that does Fullerton Avenue will get a break this year as did the Teamsters when Rte. 22 & MacArthur Road was under construction. Commissioner HOWER stated if anyone is interested, on April 17th around 11:30 am, the Teamsters will be out cleaning up the intersection at Rte. 22 and MacArthur Road. Mayor HOZZA stated May 21st is the Township's Electronics Recycling, Document Shredding and VIN Etching Event, the charge for some electronics will be by the firm that will be collecting the electronics, not the Township.

Mayor HOZZA noted the construction of Chick Fil-A has begun on MacArthur Road and Mission Barbeque has begun on Grape Street.

6. Treasurer Diane HUNSICKER gave an update on delinquent resident garbage, they are self-collecting the delinquent garbage bills as of 2012, each year at the end of December have approximately \$250,000 outstanding in resident garbage fees, have been working very hard by sending out letters, setting up payment plans but unfortunately have had to lien resident

properties for failure to pay once they owe more than one year. As of the end of February, 2016, 2012 is down to \$4,410.00, 2013 is \$24,980.50, 2014 is \$76,003.46 and 2015 is \$220,386.00. They have come a long way but a lot of it is liened and may not see it for another 20 years if people stay in their homes but as the homes are sold, are getting the lien money paid to the Township. She feels her office is doing a good job on this.

Howard Lieberman, 2314 N. 1st Avenue, Whitehall, stated Northampton Area Community College established a program for volunteerism in the community, they charge for the presentation, is something like the resident police academy type thing, is designed to get volunteerism up and is something the Board may want to consider.

Mr. LIEBERMAN stated MacArthur 75 is up and running. Mrs. LIEBERMAN was at the School Board meeting this evening, there will be something on the website soon, there is a Facebook for MacArthur 75 and about 10 committees that are active right now. It is moving along quite well, there have been some offers for donations and if anyone is interested in participating in the various events, they will run basically from April 17th to Veteran's Day in November. Mayor HOZZA stated we thought we would be celebrating the widening of MacArthur Road in 2020 but Lee RACKUS determined that even before World War II was over and General MacArthur had not even won back the Philippines, the Township Commissioners in 1942 renamed the highway MacArthur Road.

AT THIS POINT THE BOARD WENT INTO AN EXECUTIVE SESSION.

Upon the Board's return, Commissioner HOWER read a motion to authorize the Solicitor to move the current matter before the PUC involving the enhanced Race Street retaining wall into mediation.

Commissioner DUTT moved to approve, seconded by Commissioner GINDER.

Five Commissioner was present and voted "yes". Motion was approved.

G. ADJOURNMENT

1. MOTION – Commissioner SNYDER moved, seconded by Commissioner DUTT to adjourn the meeting at 8:40 pm.